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Global Justice

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Global Justice

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1. Justice generates especially stringent claims.¹ In Shakespeare's *Merchant of Venice*, Shylock makes his demand to a pound of his delinquent debtor's flesh in terms of justice. Until the clever Portia finds a device for voiding the contract, the presumption is that it must be granted. Conceptually, demands of justice are the hardest to outweigh or suspend. Kant goes too far insisting that there is no point for us to continue to live on earth unless justice prevails.² Still, justice plays its central role in human affairs precisely because it enables persons to present claims of such stringency. A theory of *distributive* justice explains why certain individuals have particularly stringent claims to certain relative or absolute shares, quantities, or amounts of something whose distribution over certain people must be justifiable to them. Alongside distributive justice there is also rectificatory justice, and perhaps other kinds. Yet since our concern in all but sections 8 and 9 is with distributive justice, "justice" means distributive justice unless otherwise noted.

Increasing political and economic interconnectedness draws much philosophical attention to the question of the conditions under which such stringent claims arise. Do claims of justice arise only among those who share membership in a state? Alternatively, do they arise among all those who are jointly subject to the global political and economic order? Or do they apply among all human beings simply because they are human?

¹ This piece was prepared for the *Oxford Handbook of Political Philosophy*, edited by David Estlund. Many thanks to Micha Glaeser, Gabriel Wollner, and David Estlund for helpful comments.

² Kant (1996), p 473.

Inquiries into *global* justice differ from those into *international* justice precisely by not limiting inquiry to what states should do. They may well also question the very moral acceptability of states, and explore alternative arrangements.

When Hobbes devoted *De Cive* to exploring the rights of the state and the duties of its subjects, he did something fundamentally new. Focusing on the confrontation between individual and state, after all, meant *not* to focus on the relationship of the individual with particular rulers or multiple authorities. It meant to assess a person's relationship with an enduring institution that made exclusive claims to the exercise of certain powers within a domain. Centuries later Kavka (1986) could write that "the relationship between the individual and the State forms the core of Western political philosophy," just as "the relationship between morality and prudence lies at the center of Western ethics" (p 21). Due to its focus on the state (a reflection of the political realities of the age), until recently modern political philosophy has done comparatively little to theorize justice outside of states, or to assess political and economic structures other than states in light of such inquiries.

Nowadays, however, we must ask with some urgency about the conditions under which principles of justice apply. That inquiry is central to the burgeoning field of global justice. This question about the applicability of principles of justice also generates (renewed or new) interest in political structures such as a world state; a world with federative structures stronger than the United Nations; with a more comprehensive system of collective security; one where jurisdictions are disaggregated; or where border-control is collectively administered or abandoned entirely. Reflection on such structures is of great interest in a politically and economically increasingly interconnected world

where enormous differences in life prospects nonetheless persist. Depending on what one thinks about the conditions under which demands of justice apply, one may favor the one or the other of these structures. Even if one thinks that subverting the state system is practically impossible, one may still explore *moral* objections to it, specifically from a standpoint of justice. Such inquiries naturally assume the shape of determining the conditions under which principles of justice apply.

Fleischacker (2004) shows that the modern conception of *domestic* justice incorporates several premises. First, each individual has a good that deserves respect, and individuals are due rights and protections to that end. Justice is not (merely) a matter of realizing, say, a divine order. Second, some share of material goods is among the rights and protections everyone deserves. Third, the fact that each person deserves such rights and protections is rationally and secularly justifiable. Fourth, the distribution of these goods is practical: it is neither a fool's project nor self-undermining like attempts to enforce friendship. Fifth, it is for the state (and conceivably other political entities) to achieve justice. These commitments about how the fates of individuals are tied are strikingly unusual by historical standards. It is such an understanding of domestic justice that also generates the debate about *global* justice. If each individual has a good that deserves respect, we must ask if corresponding duties expire at borders. If shares of material goods are among the rights and protections everyone deserves, we must ask if this depends on where people live. If protections require rational justification, we must ask if such justification is available for (what below I will call) the normative peculiarity of the state. If the distribution of these goods is practical, we must note that nowadays a

network of organizations seeks to make this true globally. Plausibly, entities other than states too ought to strive for justice.

Let me explain what I mean by the “global (political and economic) order” and hence by an “increasingly interconnected world.” Our current global society has emerged from developments that began in the 15th century through the spread of European control, continuing with the formation of new states through independence or decolonization. While this order has no government, it comprises treaty- and convention-based norms regulating territorial sovereignty, security and trade, some property rights, human rights, and the environment. Politically, the United Nations Charter codifies the most significant rules governing this system. Economically, the Bretton Woods institutions (International Monetary Fund, World Bank, later also the General Agreement on Trade and Tariffs/World Trade Organization) form a network intended to prevent war and foster worldwide betterment. Jointly with more powerful states, these institutions shape the economic order.

The term “globalization” describes processes that erode the political and economic importance of national boundaries and increasingly affect life chances through the system of rules that is constitutive of the global order. “Globalization” is not new. It traces back to the spread of European control, a process accompanied by the emergence of a state system whose central features were reflected in the doctrine of “sovereignty.” Political philosophers of the 17th and 18th century, such as Grotius, Locke, Hobbes, Wolff, Vattel, and Kant, explored questions about *that* stage of globalization. They developed the doctrine of sovereignty, explored under what conditions one could acquire non-European territories, or what kind of ownership there could be of the seas. The

spread of European control was complete by the end of the 19th century. By that time, political philosophers such as Tocqueville and Mill had been busy justifying why non-Europeans should endure political dependence. A period of devising rules for the spread of “empire” gave way to a period of justifying its persistence.

After World War II “global governance” came into its own, in the form of the international institutions mentioned above. Political philosophers at *this* stage of globalization must worry about normative issues that such governance raises. Among these issues is the question of whether principles of justice indeed apply only within states. Perhaps such principles apply to the global order as such. Or, again, they might apply independently of political and economic structures, and instead hold because of common humanity and thus apply to all human beings. By “positions on global justice” I mean views about the conditions under which principles of justice hold.

2. We can formulate positions on global (distributive) justice in terms of the distinction between *relationism* and *non-relationism*. That distinction captures some of the most important debates in contemporary political philosophy. “Relationists” think principles of justice only hold among persons who stand in some essentially practice-mediated relation to each other. “Non-relationists” think such principles may apply among those who stand in no such relation.

A reference to practices keeps non-relationism from collapsing into relationism. The relation of “being within 100,000 km of each other” is not essentially practice-mediated, nor is, more relevantly, that of “being a fellow-human.” I talk about “essentially” practice-mediated relations since there may be practices associated

especially with this latter relation, which, however, are dispensable to understanding its content. Paradigmatic non-relationists base the applicability of principles of justice on common humanity, relationists on shared political structures. Relationists and non-relationists disagree about the *grounds* of justice, the norm-generating conditions or considerations that render demands of justice applicable among persons for whom these conditions and considerations hold. I use the term “grounds” to remain neutral between relationists and non-relationists and thus arrive at a rather abstract formulation in terms of “conditions or considerations.” I use the term “relationship” sufficiently broadly for relationists and non-relationists to register as offering different accounts of what one might call the “justice relationship.”

Relationists may hold a range of views about the nature of the relevant relation. They may disagree about the *scope* of justice, the range of people in the justice relationship. *Globalists* think the relevant relation holds among all human beings in virtue of the existence of practices that relate all humans to each other within a single global order. *Internationalists* think the relevant relation holds (only) among individuals who share membership in a state.³ They owe an account of what it is (exclusively) about shared membership in states that generates demands of justice. Globalists owe an account of what it is about involvement with, or subjection to, the global order that generates demands of justice. Those who accept duties of justice that hold (only) among people who share a state endorse “the normative peculiarity of the state;” those who do not, reject it. Internationalists endorse the normative peculiarity of the state. Globalists and non-relationists do not. So while globalists and internationalists are united by being

³ I disregard differences between citizenship and permanent residency and speak of shared membership.

relationists, globalists and non-relationists are united by rejecting the normative peculiarity of the state.⁴

Relevant versions of *non-relationism* take the scope of justice to be global, including all of (and only) humanity. Yet non-relationists may determine the scope differently. One could limit justice to a subset of humanity by insisting on the normative importance of, say, sex or race. Or one may insist that justice must have all sentient beings in its scope, at least higher animals and conceivably rational Martians. Yet the former possibility is implausible, and the latter I set aside. Non-relationists owe an account of how common humanity generates demands of justice.⁵ Relationists think of principles of justice as regulating practices that some persons share with each other. This implies two things. First of all, for relationists principles of justice apply only to those who respectively share the practices. Relationists are motivated by the moral relevance of practices in which certain individuals stand. Such practices may include not only those which individuals chose to adopt, but also those of which they have never chosen to

⁴ Some of my terminology draws on Sangiovanni (2007). Yet my usage deviates from his. For instance, globalism, on my account, is by definition a relationist view. “Internationalism” often refers to political movements advocating greater cooperation among nations, which is not what is meant. Often “statism” is used for what I mean by “internationalism”. I prefer “internationalism” because the term captures an understanding of global justice as composed of multiple entities within which principles of justice hold *respectively*. Whatever moral principles apply globally would then differ from principles of distributive justice, and hold between (“inter”) these entities. There are, of course, only so many terms to go around in this domain.

⁵ Globalists and internationalists disagree about both grounds and scope, but agree that grounds are relational. Relationists may also agree about the scope while disagreeing about the grounds. Below we encounter coercion-based and cooperation-based internationalists. Both think the people who respectively stand in the justice relationship are those who share a state. They agree about the scope of justice while disagreeing about the grounds in the sense that they disagree about what it is about shared citizenship that generates demands of justice. Distinctive of a ground is the account of the conditions and considerations that are norm-generating. The term “scope” does not do much independent work. “Not much.” It would be inappropriate to stipulate that grounds always be specified so precisely that the scope is uniquely fixed. Yet once the grounds are fixed, disagreement about the scope should be relatively minor, of the magnitude of a dispute about who exactly counts as a citizen given that this matter is largely fixed through legal rules. I define “globalism” as a view about *grounds*, not as one about the scope that is consistent with a non-relationist ground.

partake. Second, relationists think of principles of justice as only regulating those practices, rather than every aspect of the lives of those who share them.

3. To illustrate what is at stake, note that John Rawls is a relationist. He famously calls justice “the first virtue of institutions, as truth is of systems of thought” and talks about “justice in social cooperation” ((1999b), p 3). (See the article, “John Rawls” by Leif Wenar in this volume.) Justice here is a characteristic of institutions, which are practices. His principles regulate the practices constitutive of the basic structure of society (the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages from cooperation). “Distributive justice,” says Freeman (2007) by way of expounding this approach, “poses the general problem of fairly designing the system of basic legal institutions and social norms that make production, exchange, distribution, and consumption possible among free and equal persons” (p 305f). Many aspects of advantage and its distribution are natural facts. But “what is just and unjust,” says Rawls ((1999b), p 87), are not these facts, but “the way that institutions deal with these facts.”

Relationists can recognize duties to those with whom they do not stand in the justice relationship. Alas, those duties would either differ relevantly from duties of *justice*, or else in some other way differ from *those* duties of justice that hold among individuals who share the relevant relation. Nagel (2005) adopts the former approach, insisting that justice only holds within states. Rawls (1999a) adopts the latter. He implicitly acknowledges a distinction between duties of *distributive* justice that hold within states, and other duties of justice that may hold otherwise. The duty of assistance to “burdened

societies” in *Law of Peoples* is not one of distributive justice ((1999a), p 106, pp 113-120; see also Freeman (2007), chapter 9). Duties of distributive justice are duties with regard to shares in a system of economic production and exchange, which Rawls thinks presuppose a basic structure.

Rawls is an internationalist, but his main goal is to offer principles of domestic justice. *Law of Peoples* adds an approach to international justice, by way of sketching the foreign policy of a society within which his domestic principles of justice apply. Methodologically in the background is his political constructivism. Rawls begins with domestic justice and works “outward” from there to the Law of Peoples, and “inward” to local justice ((2001), p 11). These other subjects presuppose domestic justice. As Freeman (2007) says:

The principles that appropriately regulate social and political relations depend upon the kinds of institutions or practices to be regulated, and these principles are to be ‘constructed’ on the basis of ideas that are central to the functioning of those institutions or practices and people’s awareness of them. (p 270)

Freeman sees this political constructivism – a view about *justification* -- as integral to Rawls’ rejection of global principles of distributive justice. The convictions and intuitions that must be in reflective equilibrium to obtain a theory of justice concern the practices and institutions in which we lead our lives. These convictions are less developed outside of the domestic setting.

Wenar (2006) offers a plausible reading of Rawls that responds to critics, like Caney (2002), who think *Law of Peoples* is incoherent with Rawls’ earlier work. Crucially, both in the domestic and in the global case Rawls draws on ideas implicit in the public political culture. Rawls believes “that humans should be coerced only according to a self-image that is acceptable to them,” which means that “[s]ince ‘global

citizens' cannot be presumed to view themselves as free and equal individuals who should relate fairly to each other across national boundaries, we cannot legitimately build coercive social institutions that assume that they do" (Wenar, p 103). Wenar rightly uses this observation to explain why Rawls did not advocate global egalitarian ideals of a sort that Beitz (1999) and Pogge (1989) found a natural extension of his principles. Global public political culture is of a different (much thinner) nature than that of a constitutional democracy.

4. Non-relationists object that, by making justice practice-mediated, relationists either tie justice to properties of individuals that omit too much of moral importance (for practices individuals have not selected), or over-emphasize some morally important aspects at the expense of others (for practices in which individuals chose to participate). Parallel to what I said about relationists, non-relationism implies two things. Non-relationists seek to avoid the alleged arbitrariness of restricting justice to the regulation of certain practices.⁶ Second, since non-relationists do not limit justice in this way, they will plausibly apply principles of justice to the whole range of advantageous and disadvantageous events in a life. ("Will plausibly:" recall that there is *logical* space for non-relationists to proceed differently.) For non-relationists justice is a property of the distribution of advantage, broadly understood. While for relationists individuals stand in the justice relationship if they have special claims within particular practices, for non-relationists that relationship is

⁶ Miller (2007), p 32f, reminds us that "arbitrary" sometimes means "undeserved" and sometimes "should make no difference." Differences in needs are undeserved, but should make a difference. The manner in which I have introduced non-relationism above seeks to characterize this position in a way that avoids pitfalls from this ambiguity.

distinguished by the absence of special claims.⁷

Note two things in addition. First, grounds differ from *circumstances* of justice. “[T]he circumstances of justice obtain,” explains Rawls (1999b), following Hume, “whenever persons put forward conflicting claims to the division of social advantages under conditions of moderate scarcity” (p 110). Both circumstances and grounds tell us “when demands of justice apply,” but do so in different senses. “Circumstances of justice” specify those living conditions of human beings under which *any* principles of justice apply *in the first place*. Unless we live under such circumstances, no principles of justice apply to begin with. If we live under these circumstances, the grounds specify *which* principles of justice apply to *which* people.

Second, consider Pogge’s (1994) widely-quoted definition of “cosmopolitanism:”

Three elements are shared by all cosmopolitan positions: First, *individualism*: the ultimate unit of concern are *human beings*, or *persons* (...). Second, *universality*: the status of ultimate unit of concern attaches to *every* living human being *equally* – not merely to some sub-set, such as men, aristocrats, Aryans, whites, or Muslims. Third, *generality*: this special status has global force. (p 89)

None of the positions I discussed (internationalism, globalism, non-relationism) denies the moral equality of persons. Each of these positions has capacities to makes sense of individualism, universality, and generality. A crucial issue for each of these positions is how rich a notion of moral equality its advocates wish to endorse, and how the relevant notion of moral equality relates to ideas of political equality and distributive equality. In any event, one needs additional arguments to derive distributive equality of anything

⁷ Tan (2004) captures the non-relationist’s concern with arbitrariness: “At the foundational level of deliberation about global justice, impartiality requires that we do not allow people’s nationality to influence our views of what people’s baseline entitlements are. (...) A person’s nationality, a mere accident of birth, cannot by itself be a reason for giving her greater consideration at the foundational level” (p 158; see also pp 27f and 159f). See also Pogge (1989), p 247; Moellendorf (2002), pp 55f, p 79.

from ideas of moral or political equality. Internationalists deny a close link between moral and political equality: all human beings are morally equal, but it is only in the presence of certain practices (those of shared citizenship in a state) that ideas of political equality even apply. Internationalists may or may not find inequality among individuals in one country (in terms of outcomes, resources, or opportunities) morally problematic. But they do not find inequality among countries *as such* morally problematic. Globalists and non-relationists may endorse a global maximin or sufficiency criterion, or yet other criteria. A range of views on inequality is open to them, but none that depends on shared membership in states.

We have learned the basic cosmopolitan lesson: moral equality is an essential part of any credible theory of global justice. In the domain of distributive justice, the term “cosmopolitan” has become the victim of its own success. Therefore we should conduct the philosophical debate in the terms discussed in this chapter, rather than in a way that thinks of “cosmopolitanism” as a distinctive position on global justice. We live on a “cosmopolitan plateau” in the way in which Kymlicka (2002) (following a suggestion by Ronald Dworkin) claims that plausible political theories populate an “egalitarian plateau.” All plausible theories of domestic justice define “the social, economic and political conditions under which the members of the community are treated as equals” (Kymlicka (2002), p 4). Similarly, all plausible theories of global justice ascribe significance to moral equality.

5. Non-relationists insist that relations in which particular individuals stand with each other cannot have the kind of moral importance that would imply that moral obligations

(or anyway, a broad range of obligations) only apply among those who do so. Caney (2005) offers a version of this approach. He offers the following thought regarding the relevance of economic interaction, and a similar thought would apply to all practices:

Consider a world with two separate systems of interaction that have no contact but are aware of each other and suppose that one of them is prosperous whereas the other is extremely impoverished. Compare, now, two individuals – one from the prosperous system and the other from the impoverished system – who are identical in their abilities and needs. The member of the prosperous system receives more. But it is difficult to see why – concentrating on any possible and reasonable criteria for entitlement – this is fair. *Ex hypothesi*, she is not more hard-working or more gifted or more needy. In all respects they are identical (bar one, namely that one is lucky to live in the prosperous society and one is not) and yet an institutionalist approach confers on one more benefits. (p 110)⁸

To develop his case, Caney's strategy is to identify a moral argument of sorts, and then to argue that that argument appeals to properties that everybody has. Limiting such arguments to particular groups means to commit what Caney, following Black (1991), calls the "fallacy of restricted universalism:" "A distributive theory, that ascribes rights and claims on the basis of certain universal attributes of persons, cannot at the same time restrict the grounds for those claims to a person's membership or status within a given society" (p 357). Attempts to derive principles of justice from universal attributes that nevertheless are supposed to be limited to certain groups (e.g., compatriots) commit this fallacy. Consider the way in which Caney applies this strategy to civil and political liberties. He argues for the "scope₁ claim:" "the standard justifications of rights to civil and political liberties entail that there are *human* rights to these same civil and political liberties" (p 66). The scope₁ claim holds

because the standard arguments for civil and political rights invoke a universalist 'moral personality.' That is, the relevant aspect of persons is the right to be subject to principles to which they can reasonably consent (for contractarians), or

⁸ See also Moellendorff (2002), p 79, and Tan (2004), p 158.

their use of moral language (for Habermas), or their humanity and status as persons (for deontologists), or their ability to lead a fulfilling life (for perfectionists). As such, it would be incoherent to adopt any of these lines of reasoning for a particular right and then ascribe that right only to other members of one's community. (p 77)

Arguments of this sort at the very least pose a challenge for relationists to explain just what it is about their preferred relation that, in the case that interests us, generates demands of justice that would only apply among those who share that relation. Without further ado, let us see whether they succeed at this task and so can respond to non-relationists like Caney.

6. Internationalists and globalists disagree about what relation is relevant for the applicability of principles of justice. Nonetheless, they are both relationists, resting claims of justice on nationally or globally shared practices, respectively, and thus to some extent use similar arguments to defend their views. Defenses of relationism may enlist two strategies.

The first strategy draws on the fact that it is (conceptually) difficult for us successfully to press demands upon each other at all, especially the stringent demands of justice. Relationists are well-equipped to deal with this difficulty. They can help themselves to considerations that arise from within the practices they consider central to the applicability of justice. They need not deny that there can be *natural* rights and duties of justice at all. But arguments in their support can enlist only features of shared humanity. Crucially, derivations of transactional and associational duties (the kind of arguments relationists offer) can enlist a *larger* set of considerations. They can use claims about persons having undergone certain transactions under specific conditions (e.g.,

promises, contracts), or about them living in certain human-made arrangements that could often assume different shapes, and that put demands on those involved in them. Claims of justice cannot succeed merely based on references to the significance of something for the claimant. We need reasons why others ought to provide what is significant. Non-relationists can most readily meet that challenge if they restrict themselves to establishing rights and duties pertaining to elementary human concerns, such as basic needs satisfaction. Relationists are better equipped to make such a case. In particular, duties pertaining to *relative*, rather than *absolute*, economic status are (at the very least) easier to establish, and are more demanding, if we can resort to shared practices to make that case.

To illustrate, consider Scanlon's (2003) influential discussion of objections to inequality, and hence to differences in relative economic status. Scanlon identifies five reasons to pursue greater equality: (1) to relieve suffering or severe deprivation; (2) to prevent stigmatizing differences in status; (3) to avoid unacceptable forms of power or domination; (4) to preserve the equality of starting places which is required by procedural fairness; and (5) procedural fairness sometimes supports a case for equality of outcomes. (2) and (5) are the clearest expressions of egalitarianism. (4) is consistent with considerable inequalities and so is only weakly egalitarian. (1) and (3) are not egalitarian at all. Scanlon argues that Rawls uses (2) - (5), and perhaps (1) as well, to argue in support of his principles of justice. So those principles are supported by reasons that are distinctly egalitarian, but also by reasons that are distinctly not.

Crucially, however, even the force of (3) and (4) depends on the practices (if any) that the relevant individuals share. For instance, to explain what counts as unacceptable

forms of power it helps to explore how individuals respectively contribute to the maintenance of an economic system, and hence also what the economic ties among them are to begin with. Undoubtedly, some exercises of power are unacceptable regardless of what relations individuals stand in. But the more ties there are among individuals, the more possibilities there will be for them to contribute to the maintenance of relations, which in turn generate rationales for them to complain about certain exercises of power. Similarly, to assess how much reason there is to preserve the equality of starting places on behalf of procedural fairness it is essential to assess to what kinds, and range, of procedures the individuals are jointly subject. Thus if we seek to argue for obligations pertaining to relative standing without making use of relations, there is little we can say in the first place. We can derive more demanding obligations if we can resort to relations.

The second strategy in defense of relationism appears in Scheffler's (2001) account of the link between special relations and responsibilities. Relations create responsibilities because having reason to value relations non-instrumentally just *is* to have reasons to see oneself under, and actually have, special obligations. As Scheffler puts it, to attach non-instrumental value to a relationship with somebody means "to be disposed, in contexts which vary depending on the nature of the relationship, to see that person's needs, interests, and desires as, in themselves, providing me with presumptively decisive reasons for action, reasons that I would not have had in the absence of the relationship" (p 100). (To call reasons "presumptively decisive" means to grant that in principle they could be outweighed although they present themselves as reasons upon which agents must act.) Skepticism about such responsibilities succeeds only if we have no reasons at all to value our relations non-instrumentally. The case is clearest for family

ties and friendships, but less clear for political relations, and presumably internationalists can more readily make it than globalists. Beitz (1999), for instance, does not use such reasoning to support his globalism but wonders instead about the relevance of such arguments *even* for shared membership in a state (p 212).

Internationalists must develop their version of relationism in a way that supports the normative peculiarity of the state. They could first use the two strategies in support of relationism to rebut non-relationism, and then offer an account of the normative peculiarity of the state to rebut globalists (and thus settle the intramural debate between relationists once relationism as such has been accepted). Two proposed accounts of the normative peculiarity of the state are *coercion-based internationalism* (e.g., Blake (2001), Nagel (2005)), according to which what distinguishes membership in a state is its coerciveness; and *reciprocity-based internationalism* (e.g., Sangiovanni (2007)), according to which it is its intense form of cooperation.

These views, however, face the challenge that forms of coercion and cooperation also hold within the global order as such, which makes it problematic to argue that principles of justice *only* govern the relation among those who share a state. Internationalists can respond by arguing that the normative peculiarity of the state is based on its particular kind of coerciveness or cooperativeness. Risse (2006), for instance, accounts for the state's coerciveness in terms of legal and political immediacy. The legal aspect consists in the directness and pervasiveness of law enforcement. The political aspect consists in the crucial importance of the environment provided by the state for the realization of basic moral rights, capturing the profundity of this relationship.

But assuming that something like Risse's (2006) account succeeds in explaining

what is morally special about shared membership in states, one must still wonder whether this account matters *for justice*, that is, can explain why principles of justice apply *only* among those who share a state. That is the point that globalists push. Capturing globalist resistance to internationalism, Beitz (1999) argues that global interdependence

involves a pattern of transactions that produce substantial benefits and costs; their increased volume and significance have led to the development of a global regulative structure. (...) Taken together, these institutions and practices can be considered as the constitutional structure of the world economy: their activities have important distributional implications. (pp 148f)

It does not matter precisely what the nature of international economic interdependence is. The dispute between internationalists and globalists already arises for a loose sense of interconnectedness.

Beitz argues that in an interdependent world, limiting justice to domestic societies means taxing poor nations so that others may live in “just” regimes (p 149f). Beitz’ target is Rawls. He argues that if Rawls’ case for his principles of justice succeeds their content should not change as a result of enlarging the scope of the original position to include the global order. Beitz considers two objections (pp 154-161). The first insists that interdependence is necessary, but insufficient for the applicability of justice. The global order lacks any effective decision making mechanisms, as well as any real sense of community, and these, the objector says, are also necessary for an order’s being subject to standards of justice. Beitz responds that these differences fail to show that principles of justice do not *apply* globally. Instead, they show that it is harder to *implement* the principles.

According to the second objection, features of cooperation within states override requirements of global principles *even if* justice applies globally. Rich countries may

deserve their advantages because of differences in organization, or technology. Beitz responds that this means to base entitlements on morally arbitrary factors like those that, as Rawls insisted, ought not to affect one's share of social primary goods. Thus he rejects this move much as Rawls rejects principles of justice drawing on undeserved social or genetic characteristics.

7. One way of making progress in light of the debate among internationalists and globalists that I have presented in section 6 is to deny that there is a single justice relationship in which any two individuals either do or do not stand. One may use "principles of justice" as a collective term for different principles with their *respective* ground and scope. Let us call *non-graded* or *monist* internationalism the view that principles of justice either do or do not apply, that they do apply within states, and thus among people who share membership in a state, and only then. Non-graded or monist internationalism is what I have so far taken internationalism to mean.

Graded internationalism holds that *different* principles of justice apply depending on the associational (i.e., social, legal, political, or economical) arrangements. Graded internationalism allows for associations such as the WTO, the EU, or the global order as such to be governed by principles of justice, but endorses the *normative peculiarity* of the state. Among the principles that apply within other associations we find weakened versions of principles that apply within states. For this reason I talk about graded internationalism in this case. I am lacking the space to motivate the graded view in detail. Suffice it to say that all those who live, say, under WTO are tied to each other much more loosely than individuals who respectively share a state. It is therefore plausible to think

that the principles of justice that hold within the WTO are weakened versions of those that hold within a state.

However, now that we have introduced a non-monist view, we also must take seriously the idea that some grounds could be relational, whereas others would not be. We must consider the possibility that there is no deep conflict between relationism and non-relationism. Perhaps advocates have respectively overemphasized facets of an overall plausible theory that recognizes both relationist and non-relationist grounds. Integrating relationist grounds into a theory of justice pays homage to the idea that individuals find themselves in, or join, associations and that membership in some of them generates duties. Integrating non-relationist grounds means taking seriously the idea that some duties of justice do not depend on the existence of associations. One obvious non-relational ground to add is common humanity. One view that develops these ideas could be called *pluralist internationalism*. This view would endorse the normative peculiarity of the state, but recognize multiple other grounds of justice, some of them relational (e.g., subjection to the global trade regime) and others not (e.g., common humanity). Respectively different principles of justice would be associated with these different grounds, all of which would be binding, say, for states and international organizations. Pluralist internationalism transcends the distinction between relationism and non-relationism.

This view offers one way of preserving the plausible aspects of non-relationism, globalism, and internationalism. Needless to say, making this view credible, and proving its fruitfulness, requires detailed discussions of its implications for a wide range of areas. The theoretical costs of making such a move are considerable because one would give up

on the uniqueness of the justice relationship. One would also have to meet the challenge that such a pluralist view does not, one way or another, collapse into one of the original views. Other ways of making progress in this debate are possible as well, including those that abandon the state's normative peculiarity. We have now reached the research frontier in this field.⁹

8. So far we have only talked about distributive justice. However, perhaps the main theme to explore in an assessment of global justice is whether the global order wrongfully harms some people, presumably the weakest, the global poor. If so, we should think of global justice primarily in terms of moral obligations to rectify harms (where the harms are not simply defined by a conception of distributive justice). There are different ways of articulating that thought. First, one may say the global order wrongfully harms human beings because of the sheer existence of borders. Perhaps frontiers are inconsistent especially with the value of freedom and with liberal justice. Second, perhaps the global order wrongfully harms the poor (i.e., individuals who are unable to meet basic needs) by imposing an institutional framework that is not as advantageous to them as some alternatives. Finally, one may argue that the extents of poverty and inequality themselves reveal that the global order wrongfully harms the poor. Let me elaborate.

One way of making the point that national borders can function as unjustified restrictions of freedom draws on Amartya Sen and Martha Nussbaum's approach to freedom in terms of "capabilities."¹⁰ Nussbaum offers a list of capabilities central for a

⁹ I develop pluralist internationalism in my book *The Grounds of Justice*, to be published by Princeton University Press.

¹⁰ See Sen (1985) and (1999) and Nussbaum (2006) and (2000).

life with dignity. “Bodily integrity” is on her list, of which one instantiation is “being able to move freely from place to place” ((2006), p 76). The challenge is to explain why this capability can be limited by frontiers. However, appeals to the value of freedom to assess the legitimacy of borders cut both ways. It is true that frontiers limit choice, but so does *any* immigration policy. Permissive immigration policies in countries where many people wish to live are likely to constrain some who already live there.

Some have argued that immigration barriers are unjust owing to liberalism’s commitment to moral equality. Liberalism, Carens (2003) notes, condemns the use of morally arbitrary facts about persons to justify inequalities. Examples include race, sex, and ethnicity. Political communities that treat people differently on the basis of such features are illiberal and unjust. Yet citizenship seems as arbitrary as any of those. Maintaining borders, to him, is as offensive as other perhaps more obvious cases of injustice because it differentiates rights based on origin. Carens is correct that moral equality and the value of common humanity cannot stop at borders, but it has been argued that this does not mean shared citizenship is as morally irrelevant as race or ethnicity. The fact that shared citizenship arises in a manner for which individuals deserve neither credit nor blame does not make it morally irrelevant. On this view, there is no inference from moral equality to political equality regardless of what structures persons share.¹¹

In a related vein one may argue that a system of states cannot properly consider all affected interests and so they automatically wrongfully harm persons. The actions of states affect many who have no say in the design of policies. For instance, Mexicans who wish to enter the US never consented to there being an American people that can

¹¹ For elaboration, see Blake (2001).

unilaterally constrain immigration. Yet interests can be properly considered in domain-specific ways. To the extent that trade policies affect interests, for instance, we should ensure that such policies are fair. But that does not mean one must *enfranchise* everybody connected to a country by trade arrangements. We also need morally acceptable immigration policies that spell out how many people from country A have a claim to immigration to B. But once these claims are met, no additional demands, especially to enfranchisement, arise. Moral acceptability here does not require consent.

Let us proceed to the argument that the global order harms the poor because there is a feasible alternative under which situation of the global poor is improved, as presented by Pogge (2002). Pogge seems to think “feasibility” is primarily a matter of allocating money. It would just take 1.2% of the income of rich economies, \$312 billion annually, to bridge the aggregate shortfall of those living on less than \$1 per day to the \$2 line (p 7). Pogge’s proposal for raising some of those funds is the Global Resource Dividend, which taxes extraction of resources. Yet while Pogge’s calculations show that abject poverty could be surmounted *if* closing such a gap is a matter of transferring money, it is doubtful whether financial transfers are enough to seriously mitigate poverty. Suppose in situation S1 we have the funds to cover the financial shortfall. We still need reliable ways of distributing funds to individuals who do not simply have bank accounts that they can securely access. We would also need an environment where individuals can actually spend the money on available goods and services. Both times this involves *institutional* improvements, especially if one wants the changes to be lasting. Similar points apply if one wishes to support medical and educational advancements. One cannot simply start to “work on AIDS,” but must build and maintain medical infrastructure. One cannot

improve education by building a few school houses, but must invest in teacher training, provision of books, supplies, family support, and much else.

That *sustainable* measures for *enduring* changes require good institutions has become a guiding insight for many at the intersection between the social sciences of development and its practice. Having funds to close the aggregate *financial* shortfall between S1 and S2 is at best necessary, but not sufficient for S2 to be *feasible*. Pogge may respond that while it is true that money does not automatically educate or cure anyone, the money would be used precisely to take care of these things in appropriate ways. Money is not enough by itself, but the other necessary conditions normally require money. This is fair enough, but the relevant points now are these. We have found a sense in which the poor are wrongfully harmed, namely, if not enough effort goes into exploring possibilities for implementing appropriate institutional change. But while this is presumably a valid charge, it makes it much harder than it appears to be on Pogge's proposal to ascertain how to go about creating a feasible alternative and who is guilty of what failings in this regard.

9. Let us consider the import of poverty and inequality statistics. Statistics do not show in any obvious way that the global order harms (let alone *wrongfully* harm) the poor. For instance, while indeed 1.2 billion people in 1998 lived below the poverty line of \$1.08 PPP 1993 per day (Pogge (2002), p 98),¹² there is now less misery than ever before, as measured in terms of any standard development indicator. The progress made over the last 200 years is miraculous. In 1820, 75% of the world population lived on less than \$1 a

¹² PPP means Purchasing Power Parity: the poverty line is fixed at what \$1.08 bought in the US in 1993.

day (appropriately adjusted). Today, in Europe, almost nobody does, in China less than 20% do, in South Asia around 40%, and altogether slightly more than 20% do. The share of people living on less than \$1 a day fell from 42% in 1950 to 17% in 1992. Historically *almost everybody* was poor, but that is no longer true.

What conclusion such statistics warrant depends on (a) the period considered (“Sub-Saharan Africa has made progress over a 200-year horizon, but not for the last 20 years”), (b) whether one looks at absolute or relative quantities (“the number of abysmally poor has remained unchanged for 15 years, but their share of the world population decreased”), and (c) whether one looks at individuals or countries (“the median developing country has experienced zero growth over the last 20 years; still, inequality between two randomly chosen individuals has fallen” – because of growth in India and China). Still, what is remarkable is not that so many now live in poverty, but that so many do not; not that so many die young, but that so many do not; not that so many are illiterate, but that so many are literate. If one looks at the last 200, 100, or 50 years, things have improved dramatically for the poor. The 200-year and the 50-year horizon (roughly speaking) are especially significant. The former captures the period when the industrial revolution has perfected the system of the division of labour, which led to technological advancements across the board, advancements originating largely in what are nowadays industrialized countries but that have worked to everybody’s benefit. The 50-year horizon captures the period when the global order has come into its own. Historically speaking, the global order at least seems to have benefited the poor dramatically.

Surely, one may say, developing countries are better off than 200 years ago, but should we not assess if *wrongful harm* has occurred by asking what things would be like had European supremacists never invaded the rest of the globe? The trouble is that it is impossible to say anything about this benchmark. What are we to make of the idea that the world would be a better place if states had never emerged, or if colonialism had never happened? Such questions defy sensible answers. It is hard (if not impossible) to assess when agents came close to deciding differently, or natural events may readily have occurred in other ways. It is equally hard to assess what alternate course would then have emerged. Had Europeans not colonized Africa, alternate political structures may have allowed indigenous peoples to exploit their continent's wealth to build prosperous civilizations. It is also conceivable that war would have thwarted such efforts. According to Herbst (2000), physical geography in Africa impeded the emergence of powerful states.

There is yet another way of articulating the thought that developing countries are being harmed by the global order: a benchmark of fairness, the reference point being a state of nature where resources are distributed fairly. “‘Worldwide 34,000 children under age five die daily from hunger and preventable diseases.’ Try to conceive a state of nature that can match this amazing feat of our globalized civilization!” writes Pogge (2004), p 274. Yet state-of-nature references cannot distinguish between the view that *the global order* does harm, and any other view explaining how such poverty could arise. Such references only show that things are not as we would have hoped. Whatever else is true, among the three benchmarks we have considered, the historical benchmark is the only

one which we can make sense of. In terms of that benchmark, the global order has brought tremendous advances.

10. There are many questions about global justice that I have been unable to discuss here. The philosophical foundations of human rights have attracted much attention recently. (See the article by Alan Buchanan in this volume.) Topics that are both in need of much more, and accessible to, philosophical analysis include immigration and fairness in trade. In need of but less accessible to philosophical analysis is the question of how to distribute the burdens from climate change. Deserving of more attention are also political and economic structures other than states. We must explore, for instance, what demands of justice, but also what types of accountability, apply to entities like the World Trade Organization or the European Union.

One topic whose more systematic resurrection political philosophy would benefit tremendously from is humanity's collective ownership of the earth. (See Peter Vallentyne on "Left Libertarianism" in this volume for more on this subject.) To illustrate, suppose the population of the US shrinks to two, but they control access through border-surveillance mechanisms. Nothing changes elsewhere. Surely these two should permit immigration since they are grossly under-using their area. We can best explain this view by the fact that all of humanity has claims to the earth. Immigration is but one topic which such theorizing could illuminate. Humanity's ownership of the earth was the pivotal theme of 17th century political philosophy. In an age in which global problems have become central, we have much to gain from reinvigorating that standpoint.

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